

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Heather Kerchen, Lori Kerchen,  
and Dale Kerchen,

Plaintiffs,

Case No. 4:22-cv-12492  
Hon: Shalina D. Kumar

v

Christian Raphalides (in his individual and  
official capacities), University of Michigan,  
James H. Woods (in his individual and  
official capacities, & Unknown Does  
(in their individual – and where appropriate –  
official capacities),

Defendants.

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**NOTICE OF FILING SUPPLEMENTAL AUTHORITY  
IN SUPPORT OF DEFENANTS UNIVERSITY OF MICHIGAN AND  
DR. JAMES H. WOODS' MOTION TO DISMISS**

**Hearing Date: May 8, 2023 at 2:00pm (via Zoom)**

Defendants, the University of Michigan and James H. Woods (collectively “Defendants”),<sup>1</sup> hereby submit the following Notice of Filing Supplemental Authority in advance of the May 8, 2023 hearing on their Motion to Dismiss.

On May 2, 2023, in *Christie v. Wayne State University* (attached as Exhibit 1) and *Elia Companies, LLC v. University of Michigan Regents* (attached as Exhibit 2), the Michigan Supreme Court discussed the notice requirements set forth in MCL 600.6431, which relates to an argument made on page 5, footnote 7 of Defendants’ Motion to Dismiss. (ECF No. 8, PageID.71).

Respectfully submitted,

/s/Brian M. Schwartz

Brian M. Schwartz (P69018)

*Attorneys for Defendants*

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<sup>1</sup> The undersigned does not represent Defendant Christian Raphaelides, who has not appeared in this action.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/Brian M. Schwartz

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